

# **HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH**

**Court No. - 27**

**Case :- MISC. BENCH No. - 2002 of 2012**

**Petitioner :- Amitabh Thakur**

**Respondent :- U.P.State Information Commission  
Through Secy. And Another**

**Petitioner Counsel :- Amitabh Thakur (Inperson)**

**Respondent Counsel :- C.S.C.,Shikhar Anand**

**Hon'ble Devi Prasad Singh,J.  
Hon'ble Devendra Kumar Upadhyaya,J.**

Heard the petitioner in person and Shri Shikhar Anand, learned counsel for the opposite parties and perused the record. With the consent of the parties' counsel, the writ petition is being disposed of at admission stage.

The controversy in question has been confined by the petitioner to supply the certain document with regard to serial no. 7 of the petitioner's application filed before the Public Information Officer. Para 7 of the application relates to the supply of document regarding all pages of Note-sheet with regard to study leave of one B.P.Jogdand.

Petitioner's submission is that to provide study leave sought by the petitioner was denied by the government. Accordingly, he moved an application with regard to

supply of certain document including the Note-sheet by which study leave was not sanctioned to Shri B.P.Jogdand.

In response to the argument advanced by the learned counsel for the petitioner, it has been submitted by the learned counsel for the respondents that the document with regard to service record of B.P.Jogdand may not be supplied to the petitioner because it is a confidential document and own property of the employee concerned.

A plain reading of the said application moved by the petitioner reveals that the petitioner has confined his prayer to the Note-sheet with regard to sanction of study leave to Shri B.P.Jogdand so that he may stall his claim before the state government to substantiate his argument with regard to parity for grant of study leave. The petitioner has already submitted that his prayer is confined to the study leave and not any material in pursuance to the service record.

Keeping in view the statement given by the petitioner as well as after perusal of record, we are of the view that the documents as prayed by the petitioner, Note-sheet with regard to study leave is owned document of the State Government and public document, copy of which may be provided to the petitioner.

Accordingly, we allow the writ petition and set aside the impugned order passed by the Information Commissioner and remit the matter back to consider his case in the light of observation made here-in-above. The respondents shall consider the petitioner's case only to the extent of Note-sheet relating to the study leave of B.P.Jogdand and not other document.

Accordingly, the writ petition is allowed.

Order Date :- 16.3.2012/Rizvi

